

REMARKS

The Office Action mailed February 23, 2005 has been carefully considered.
Reconsideration in view of the following remarks is respectfully requested.

Claims 4 and 34 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 9, lines 4-7 and reference numeral 47 of FIG. 2. The text of claims 5 and 35 is unchanged, but their meaning is changed because they depend from amended claims.

In view of the Examiner's earlier restriction requirement, Applicant retains the right to present claims 13-30 in a divisional Application.

The 35 U.S.C. § 102 Rejection

Claims 1-5 and 31-35 stand rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Ben-Dor et al.^{1 2} This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.³

¹ U.S. Patent Application Publication No. 2002/0141418 to Ben-Dor et al.

² Office Action dated February 23, 2005, p. 2.

³ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1

Claim 1 recites:

A universal serial bus (USB) remote host control driver, comprising:
 a connection to a network, said network further connecting to one or more USB device adapters, each of said device adapters having a discrete network address;
 a network protocol stack, said protocol stack for encapsulating USB packets in network packets and for decapsulating USB packets from network packets; and
a memory for storing the network address of each of said device adapters and for storing an identification of each USB device connected to each of said device adapters.
 (emphasis added)

The Examiner states:

... Ben-Dor shows a USB remote host control driver (fig. 1C, 204, and paragraph 46), comprising:

- a connection to a network (201), said network further connecting to one or more USB device adapters (RPS 205), each of said device adapters (205) having a discrete network address (fig. 1c, and paragraphs 41-42);
- a network protocol stack, said protocol stack for encapsulating USB packets in network packets and for decapsulating USB packets from network packets (paragraphs 42 and 71); and
- a memory for storing the network address of each of said device adapters and for storing an identification of each USB device connected to each of said device adapters (paragraphs 63-64 and 156-172).⁴

The Applicants respectfully disagree. The Examiner equates the remote host control driver of claim 1 with the network host (204) of Ben-Dor et al. The Examiner also equates the one or more USB device adapters of claim 1 with the Remote Peripheral Server (RPS) (205, 206) of Ben-Dor et al. Contrary to the Examiner's statement, Ben-Dor et al. does not teach a universal serial bus (USB) remote host control driver comprising a memory for storing the network address of each of one or more USB device adapters *and* for storing an identification of each USB device connected to each of said device adapters. Ben-Dor et al. indicates "It is the responsibility of the

⁴ Office Action, p. 3.

RPS to keep an updated ‘mapping’ of globally unique identifiers to local bus identifiers.”⁵ Thus, it is the individual device adapters of Ben-Dor et al. that store the mapping information.

The Examiner also refers to paragraphs 156-172 of Ben-Dor et al., which discloses RPS announcement packets (RAPs) for use by interested network hosts in determining the location and configuration of Remote Peripheral Servers. But the reference says nothing about *storing an identification of each USB device connected to each of said device adapters*, as recited in claim 1. The Examiner is reminded that the mere absence from a reference of an explicit requirement of a claim cannot be reasonably construed as an affirmative statement that the requirement is in the reference.⁶

For the above reasons, the 35 U.S.C. § 102 rejection of claim 1 is unsupported by the art and must be withdrawn.

Dependent Claims 2 and 3

Claims 2 and 3 depend from claim 1. Claim 1 being allowable, claims 2 and 3 must be allowable for at least the same reasons.

Claim 2

Claim 2 recites:

The USB remote host control driver of claim 1, further comprising:
a polling routine, said polling routine contacting each of said device adapters, identifying each of said USB devices, and storing the identifications in said memory.

⁵ Ben-Dor, ¶ 64. (emphasis added)

⁶ *In re Evanega*, 829 F.2d 1110, 4 USPQ2d 1249 (Fed. Cir. 1987).

The Examiner states:

... Ben-Dor shows a polling routine, said polling routine contacting each of said device adapters, identifying each of said USB devices, and storing the identifications in said memory (paragraphs 164-165).⁷

The Applicants respectfully disagree. Contrary to the Examiner's statement, Ben-Dor et al. does not teach storing the identifications in said memory. As mentioned above, Ben-Dor et al. discloses it is the individual device adapters of Ben-Dor et al. that store the mapping information. The reference says nothing about *storing* the identifications in a memory. For this additional reason, the 35 U.S.C. § 102 rejection of claim 2 is unsupported by the art and must be withdrawn.

Claim 4

Claim 4 as amended recites:

one or more USB ports;
 a connection to a network, said network connected to a USB remote host control driver;
 a network address;
 a network protocol stack, said protocol stack for encapsulating USB packets in network packets and for decapsulating USB packets from network packets; and
 a bridging task for receiving USB packets from one or more USB devices and for passing said USB packets and addressing information to said network protocol stack.

The Examiner states:

Ben-Dor shows a USB device adapter (RPS 205) comprising:

- one or more USB ports (paragraph 41 and 42);
- a connection to a network (201), said network connected to a USB remote host control driver (204) (fig. 1c and paragraph 60);

⁷ Office Action, p. 3.

- a network address (LP address, paragraph 42); and
- a network protocol stack, said protocol stack for encapsulating USB packets in network packets and for decapsulating USB packets from network packets (paragraph 71).⁸

With this Amendment, claim 4 has been amended to recite a bridging task for receiving USB packets from one or more USB devices and for passing said USB packets and addressing information to said network protocol stack. This bridging task is not disclosed by the Ben-Dor reference. Consequently, the Applicants respectfully request the 35 U.S.C. § 102 rejection of claim 4 be withdrawn.

Dependent Claim 5

Claim 5 depends from claim 4. Claim 4 being allowable, claim 5 must be allowable for at least the same reasons.

Claims 31-35

Claims 31-35 include limitations substantially similar to claims 1-5. Claims 1-5 being allowable, claims 31-35 must be allowable for at least the same reasons.

The 35 U.S.C. § 103 Rejection

Claims 6-12 and 36-42 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ben-Dor et al. in view of Krishnan,⁹ among which claims 6 and 36 are independent claims.¹⁰ This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

⁸ Office Action, p. 4.

⁹ U.S. Patent No. 6,157,950.

¹⁰ Office Action, p. 4.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.¹¹

Claim 6

Claim 6 recites:

An Internet gateway, comprising:

a connection to the Internet; and

a universal serial bus (USB) remote host control driver, said USB remote host control driver having:

- (a) a connection to a local network, said local network further connecting to one or more USB device adapters, each of said device adapters having a discrete network address;
- (b) a local network protocol stack, said protocol stack for encapsulating USB packets in local network packets and for decapsulating USB packets from local network packets;
- (c) a memory for storing the network address of each of said device adapters and for storing an identification of each USB device connected to each of said device adapters; and
- (d) a polling routine, said polling routine contacting each of said device adapters, identifying each of said USB devices, and storing the identifications in said memory.

The Office Action contends that the elements of the presently claimed invention are disclosed in Ben-Dor et al., except that Ben-Dor et al. does not teach an Internet gateway connection to the Internet.¹² The Office Action further contends that Krishnan teaches an Internet gateway connection to the Internet and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate Krishnan into Ben-Dor et al. in order to

¹¹ M.P.E.P § 2143.

¹² Office Action, p. 5.

provide a remote use located at a remote location a method for accessing devices and peripherals from the remote location over the Internet.¹³ The Applicants respectfully disagree for the reasons set forth below.

The arguments made above with respect to claims 1 and 2 apply here as well. Contrary to the Examiner's statement, neither Ben-Dor et al. nor Krishnan teach or disclose a universal serial bus (USB) remote host control driver comprising a memory for storing the network address of each of one or more USB device adapters *and* for storing an identification of each USB device connected to each of said device adapters. Nor does Ben-Dor et al. or Krishnan teach or disclose storing the identifications in such a memory.

For the above reasons, the 35 U.S.C. § 103 rejection of claim 6 over Ben-Dor et al. in view of Krishnan is unsupported by the art and must be withdrawn.

Dependent Claims 7-12

Claim 7-12 depend from claim 6. Claim 6 being allowable, claims 7-12 must be allowable for at least the same reasons.

Claim 11

Claim 11 recites:

The Internet gateway of claim 8, further comprising:
a connection to a public television cable.

¹³ Office Action, p. 5.

The Office Action admits that Ben-Dor and Krishnan do not teach a connection to a public television cable, but does not provide a specific reference where such a limitation is found, instead arguing that one of ordinary skill in the art would have found it obvious to modify the invention allegedly disclosed by Ben-Dor and Krishnan to arrive at the additional claim limitation. Therefore, the Applicants assume that the Office Action intended to take official notice of facts under M.P.E.P. 2144.03 that the rationale supporting the obviousness rejection is based on common knowledge in the art or "well-known" prior art. Under M.P.E.P. 2144.03, "[i]f the applicant traverses such an assertion the examiner should cite a reference in support of his or her position." The Applicants hereby traverse the assertion and requests that a reference be cited in support of the position outlined in the Office Action.

Claims 36-42

Claims 36-42 include limitations substantially similar to claims 6-12. Claims 6-12 being allowable, claims 36-42 must be allowable for at least the same reasons.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.


If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Applicants respectfully request that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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